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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,875	10/22/2001	Paul Coffin	10013458-1	4658

7590 07/31/2003

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[REDACTED] EXAMINER

VAN PELET, BRADLEY J

ART UNIT	PAPER NUMBER
3682	

DATE MAILED: 07/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/028,875	COFFIN ET AL.
	Examiner Bradley J Van Pelt	Art Unit 3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 June 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,2 and 5-23 is/are pending in the application.
- 4a) Of the above claim(s) 9-13 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,5-8 and 14-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Election/Restrictions

1. Claims 9-13 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites the limitation "the tool" in line 2. There is insufficient antecedent basis for this limitation in the claim. This limitation is properly set forth in claim 15, however, claim 20 depends from claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 5-8, 14, and 17-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Beals et al. (USPN 5,433,516), herein after Beals.

Beals disclose an assembly comprising: a first body (160), wherein the first body comprises a stop (194); a second body (170) wherein the first body is constrained in movement relative to the second body along a given axis; and a bendable piece of material (180), wherein the piece comprises a first section (190) and a second section (188) contiguous to the first section, wherein the second section forms a first angle with respect to the first section, wherein the first angle is measured in a counter-clockwise direction from the first section, wherein the first angle is at least zero degrees and is less than or equal to 90 degrees when the piece is undeflected, wherein at least a portion of the first section is attached to the second body (see col. 9, lines 49-51, 192 provides support for 190; 190 is considered attached to second body 170); wherein when the bendable piece is located in a first position, the second section of the bendable piece is positioned against one side of the stop thereby preventing movement of the first body with respect to the second body (see col. 9, lines 51-56) in a preselected direction along the given axis, wherein the piece is movable to a second position by application of a force to the piece, and wherein when the piece is located in the second, the vertex of the first angle is further away from the stop as measured in a direction perpendicular to the given axis than in the first position, the second section is removed from contact with the stop, and the stop is movable freely past the second section in the preselected direction;

wherein the piece is selected from the group consisting of wire, sheet stainless spring steel, a band, and a molded part;

wherein the piece further comprises a third section (186), wherein the third section is contiguous to the second section, wherein the third section forms a second angle with parallel translation of the first section, wherein vertex of the second angle is located where the second

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section and the third section are contiguous, from the parallel translation of the first section, and wherein the second angle is at least 190 degrees and is less than 270 degrees when the piece is un-deflected;

wherein movement of the piece from the first position to the second position occurs in a plane substantially perpendicular to a plane which includes the first and second angles;

wherein the piece further comprises a fourth section (straight portion of 184), wherein the fourth section is separately contiguous to the third section, wherein the fourth section forms a third angle with parallel translation of the first section, wherein vertex of the third angle is located where the third section and the fourth section are contiguous, wherein the third angle is measured in a counter-clockwise direction from the parallel translation of the first section, and wherein the third angle is at least 135 degrees and is less than 225 degrees when the piece is un-deflected;

movement of the piece from the first portion to the second position occurs in a plane substantially perpendicular to a plane which includes the first second and third angles;

wherein the force is applied in a plane containing the first angle;

the first body is a drawer (see fig. 24);

the second body is a chassis (see fig. 23);

the second body comprises a hole wherein the hole permits access of a tool to the bendable piece (see column 9, lines 56-60);

the force is applied to the second, third and forth section (force will be applied to all sections when spring is biased).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beals in view of Greenheck et al. (USPN 6,547,289), herein after Greenheck.

Beals disclose all of the instantly claimed invention except the force is applied to the piece by a tool; the tool.

Greenheck show a force is applied to a piece (46) by a tool (36); the tool (36).

To modify the apparatus of Beals so as to provide apply a force by a tool would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the teachings of Greenheck that such an arrangement improves the mechanical advantage.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 2, and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bradley J Van Pelt whose telephone number is 703.305.8176. The examiner can normally be reached on M-Th 7:00-4:30, 2nd F 7:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Bucci can be reached on 703.308.3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9326 for regular communications and 703.872.9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.2168.

BJVP
July 25, 2003


DAVID A. BUCCI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600